

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 7th December, 2011 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)
Councillor M J Weatherill (Vice-Chairman)

Councillors P Butterill, J Clowes, W S Davies, L Gilbert, A Kolker, D Marren,
M A Martin, G Morris, D Newton and A Thwaite

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors Rhoda Bailey and Barry Moran

OFFICERS PRESENT

Nigel Curtis (Principal Development Officer, Highway Development Control)
Ian Dale (Heritage and Design Manager)
Sheila Dillon (Senior Solicitor)
Ben Haywood (Principal Planning Officer)
Chris Hudson (Senior Arboricultural and Landscape Officer)
Vikki Jeffrey (Strategic Housing and Development Manager)
David Malcolm (Southern Area Manager – Development Management)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors M Jones and S McGrory

109 DECLARATIONS OF INTEREST

Councillor A Thwaite declared that he had expressed an opinion with respect to application number 11/3619C and therefore fettered his discretion. Councillor Thwaite exercised his separate speaking rights as a Ward Councillor and withdrew from the meeting during consideration of this item.

Councillor S Davies declared that he had expressed an opinion with respect to application number 11/1165N and therefore fettered his discretion. Councillor Davies exercised his separate speaking rights as a Ward Councillor and withdrew from the meeting during consideration of this item.

Councillor D Marren declared a personal and prejudicial interest in respect of application number 11/3695C on the grounds that the applicant was a

relative. In accordance with the code of conduct, he withdrew from the meeting during consideration of this item.

All Members of the Committee declared that they had received correspondence with respect to application number 11/2999C.

Councillor D Newton declared that he had received correspondence with respect to application number 11/2317C.

Councillor G Merry declared a personal interest in respect of application numbers 11/2317C and 11/2320C, on the grounds that she was a member of Sandbach Town Council, which had been consulted on the proposed development. In accordance with the code of conduct, she remained in the meeting during consideration of these items.

Councillor G Merry declared a personal interest in respect of agenda item 17 (Smallwood Storage), on the grounds that she knew the applicant. In accordance with the code of conduct, she remained in the meeting during consideration of this item.

Councillor J Clowes declared that she had called in agenda item 18 but that she had not expressed an opinion.

110 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 16 November 2011 be approved as a correct record and signed by the Chairman.

111 11/2317C OLD HALL HOTEL, HIGH STREET, SANDBACH, CHESHIRE CW11 1AL: RETROSPECTIVE APPLICATION FOR PERIMETER BRICK WALL AND TIMBER TRELLIS BETWEEN PIERS TO REAR BOUNDARY FOR BRUNNING AND PRICE LTD

Note: Councillor B Moran (Ward Councillor), Councillor A Wood (on behalf of Sandbach Town Council), Mr S Clarke (objector), Mr R Talbot (supporter) and Mr F Hill (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update, an oral update and an oral report of the site inspection by the Principal Planning Officer.

RESOLVED – That the application be APPROVED.

**112 11/2320C OLD HALL HOTEL, HIGH STREET, SANDBACH, CHESHIRE
CW11 1AL: RETROSPECTIVE APPLICATION FOR PERIMETER BRICK
WALL WITH TIMBER TRELLIS BETWEEN PIERS TO REAR
BOUNDARY FOR BRUNNING AND PRICE LTD**

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection by the Principal Planning Officer.

RESOLVED – That the application for Listed Building Consent be APPROVED.

**113 11/3695C MOSSLEY HOUSE, BIDDULPH ROAD, CONGLETON CW12
3LQ: DEVELOPMENT OF USE CLASS C2 RESIDENTIAL
ACCOMMODATION WITH CARE COMPRISING 52 APARTMENTS FOR
PERSONS AGED 60 AND OVER, INCLUDING CAR PARKING,
LANDSCAPING AND ASSOCIATED WORKS FOR MR KEVIN
EDWARDS, GLADMAN DEVELOPMENTS LTD**

Note: Councillor A Kolker arrived during consideration of this item.

Note: Having declared a personal and prejudicial interest in this application, Councillor D Marren withdrew from the meeting during consideration of this item.

Note: Mr P Austen (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, an oral update and an oral report of the site inspection by the Principal Planning Officer.

RESOLVED – That the application be APPROVED subject to:

(a) the prior signing of a Section 106 agreement requiring the 'Approved Occupiers' to be over 60 years of age and to complete a written assessment to identify their care and support needs.

(b) the following conditions:

1. Standard time limit.
2. Compliance with the approved plans.
3. Submission of materials for approval.
4. Submission and implementation of a tree protection scheme.
5. Submission and implementation of an updated specialist construction scheme with accompanying detailed plan.
6. Submission and implementation of drainage scheme.
7. Submission and implementation of landscaping scheme.
8. Submission and implementation of boundary treatment scheme.

9. Submission of details of any fans compressors and other equipment with the potential to generate noise.
10. Submission and implementation of details of any external lighting.
11. Hours of construction (including deliveries) limited to 0800 to 1800 Monday to Friday, 0800 to 1300 Saturday with no working on Sundays or Bank Holidays.
12. Hours for any floor floating work limited to 0800 to 1800 Monday to Friday, 0800 to 1300 Saturday with no working on Sundays or Bank Holidays.
13. Submission of details of the method, timing and duration of any pile driving operations.
14. Deliveries to and from the site limited to 08.00 to 18.00 Monday to Friday, 08.00 to 13.00 Saturday with no deliveries on Sundays or Bank Holidays.
15. Compliance with recommendations in the submitted ecology reports.
16. Protection measures for breeding birds.
17. Submission and implementation of details for the incorporation of features suitable for use by breeding birds.
18. Prior to first occupation, submission of a Travel Plan Framework.
19. Within 6 months of first occupation, submission of a Travel Plan including the provision of a pool car.

114 11/2999C LAND SOUTH OF PORTLAND DRIVE, SCHOLAR GREEN, STOKE ON TRENT: VARIATION OF CONDITIONS 2,3,5,10 & 11 OF PLANNING PERMISSION 08/0712/FUL FOR BEN BAILEY HOMES(PART OF GLADEDALE GROUP)

Note: Councillor Rhoda Bailey (Ward Councillor), Miss S Jones (objector) and Ms A Freeman (agent on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED to enable officers to request that the applicant establish a method by which the Health Centre can be guaranteed as part of the development.

115 11/3619C 66 & 68, LEEK ROAD, CONGLETON, CHESHIRE CW12 3HU: TWO DETACHED DWELLINGS INCLUDING ACCESS FROM BOUNDARY LANE FOR VWB ARCHITECTS -MR P BENTLEY

Note: Councillor P Butterill arrived during consideration of this item.

Note: Having exercised his separate speaking rights as a Ward Councillor, Councillor A Thwaite withdrew from the meeting during consideration of this item.

Note: Mrs H Jackson (objector) and Mr P Bentley (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the Head of Development be granted delegated authority to APPROVE, subject to consideration of the need for the contaminated land condition and the following conditions:

1. Time Limit (Outline)
2. Submission of reserved matters
3. Reserved Matters application made within 3 years
4. Development in accordance with approved plans
5. Details of materials to be submitted
6. The height of the dwellings shall be between 7.3 and 8.3 metres tall
7. PD removal (A-E)
8. Hours of construction
9. Hours of piling
10. Contaminated land
11. Boundary treatment

116 **11/4000C CLEDFORD INFANT AND NURSERY SCHOOL, LONG LANE SOUTH, MIDDLEWICH, CHESHIRE CW10 0DB: CHANGE OF USE TO OFFICES FOR CHESHIRE EAST COUNCIL CHILDREN AND FAMILY SERVICES FOR CHESHIRE EAST COUNCIL**

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED subject to the following conditions:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. External Lighting details to be approved
5. Provision of car parking layout prior to use commencing

117 **11/1165N STATION YARD, WRENBURY ROAD, WRENBURY CW5 8HA: OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED FOR SIXTEEN LOCAL AFFORDABLE HOUSES FOR MR TREVOR BATES**

Note: Having exercised his separate speaking rights as a Ward Councillor, Councillor S Davies withdrew from the meeting during consideration of this item.

Note: Mr Barlow (objector), Mr M Banks (supporter) and Mr T Bates (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update, an oral update and an oral report of the site inspection by the Principal Planning Officer.

RESOLVED – That the Head of Development be granted delegated authority to APPROVE, subject to:

- (a) No objection from United Utilities, Network Rail and HM Railways Inspectorate
- (b) The completion of a legal agreement to secure the development as affordable housing in perpetuity
- (c) the following conditions:
 - 1. Standard outline time limit
 - 2. Submission of reserved matters
 - 3. Approved Plans
 - 4. No approval of indicative layout
 - 5. Implementation of noise mitigation measures
 - 6. Submission / approval and implementation of external lighting
 - 7. Construction hours limited to Monday – Friday 08:00hrs – 18:00hrs
Saturday 09:00hrs – 14:00hrs With no Sunday or Bank Holiday working
 - 8. Piling restricted to Monday – Friday 08:30hrs – 17:30hrs Saturday 09:30hrs – 14:00hrs, Sunday Nil
 - 9. “Floor floating” restricted to Monday – Friday 07:30hrs – 20:00hrs, Saturday 08:30hrs – 14:00hrs, Sunday Nil
 - 10. Submission / approval and implementation of contamination report / mitigation.
 - 11. Materials
 - 12. Remove permitted development rights – extensions and ancillary buildings
 - 13. Submission / approval and implementation of access construction details
 - 14. Provision of parking to be 200% plus 5 visitor spaces
 - 15. Submission of Landscaping scheme
 - 16. Implementation / maintenance of landscaping
 - 17. Submission / approval and implementation of boundary treatment to include, inter alia, 1.8m palisade fencing to railway and acoustic fencing
 - 18. Submission / approval and implementation of drainage scheme
 - 19. Submission / approval and implementation of bat foraging area in the South East corner of the site
 - 20. No works within bird nesting season unless survey / mitigation submitted and approved
 - 21. Any future reserved matters application to be supported by an updated badger survey report to include updated mitigation/compensation proposals

118 11/3160N WARMINGHAM GRANGE, WARMINGHAM GRANGE LANE, WARMINGHAM CW11 3LB: CONVERSION OF WARMINGHAM GRANGE INTO 3 APARTMENTS AND DEMOLITION OF OUTBUILDINGS AND REPLACEMENT WITH 8 HOUSES AND ERECTION OF 3 AFFORDABLE HOUSING UNITS FOR VISCOUNT HOMES LIMITED

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED subject to:

- (a) the prior signing of a Section 106 agreement to secure 3No units as affordable housing stock
- (b) the following conditions:
 - 1. Approved Plans
 - 2. Landscape scheme – hard and soft landscaping
 - 3. Landscape implementation
 - 4. Details of boundary treatment and enclosures
 - 5. Remove Permitted Development Rights for Classes A to E of Part 1; Class A of Part 2; and Classes A to F of Part 40.

119 11/3903N WHITE HOUSE FARM, HITCHENS LANE, BULKELEY SY14 8BX: DISCHARGE OF S106 AGREEMENT IN RELATION TO P97/0749 (DEMOLITION OF EXISTING BARN AND ERECTION OF OUTBUILDINGS COMPRISING GARAGE AND STABLE BLOCK) FOR MR T WALLACE

Note: Mr S Goodwin (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the signed Section 106 agreement attached to Planning Application P97/0749 be formally discharged by deed and the local land charge be cancelled from the site.

120 11/3123N LAND ADJOINING WHITE HOUSE FARM, HITCHENS LANE, BULKELEY SY14 8BX: CHANGE OF USE OF EXISTING STABLES/GARAGE TO A SINGLE DWELLING FOR MR TERRY WALLACE

Note: Mr S Goodwin (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED subject to the following conditions:

- 1) Standard Time
- 2) Approved Plans
- 3) Materials to Match
- 4) Openings to be timber
- 5) Conservation Style Rooflights
- 6) Phase I Contaminated Land Survey
- 7) Protected Species Mitigation
- 8) Landscaping to be submitted
- 9) Landscape implementation
- 10) Removal of all Permitted Development Rights, to include extensions and outbuildings
- 11) Details of any new or replacement Boundary Treatment to be submitted and approved
- 12) Hours of Construction
- 13) External Lighting to be submitted and approved in writing

121 **11/3608N TESCO STORES, LOCKITT STREET, CREWE CW1 7BB:
VARIATION OF CONDITION 2 OF PLANNING APPROVAL 10/3554N
TO EXTEND THE TIME LIMIT OF TEMPORARY STORE TO 17 JUNE
2012 FOR TESCO STORES LTD**

Note: Mr J Gartland and Ms K Webb (on behalf of the applicant) had registered their intention to address the Committee on this matter but did not speak.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED subject to the following conditions:

1. Standard
2. Temporary until 17th June 2012, or opening of the new store, whichever is sooner.
3. Approved Plans
4. Materials to be in accordance with those shown in the application
5. Implementation / Maintenance of Landscaping in accordance with previously approved details.
6. Surfacing Materials to be in accordance with those shown in the application
7. No lighting other than that previously approved.
8. No works to take place except in completed accordance with previously approved contaminated land report
9. Foundations shall consist of stacked paving slabs placed at existing ground level.

10. No works to take place except in completed accordance with previously approved method statement to ensure than no dust emits from the site
11. No works to take place except in completed accordance with previously approved soil gas monitoring and confined spaces within the building should be ventilated.
12. No Development within 8m of side walls of culvert
13. No works to take place except in completed accordance with previously approved scheme of drainage

122 PLANNING APPROVAL P03/0494 - 24 NO. DWELLINGS AT HASTINGS ROAD - VARIATION TO S.106 AGREEMENT RELATING TO NO.21 THE GATEHOUSE

The Committee considered a report regarding proposed amendments to the wording of the signed section 106 agreement relating to the construction of 24 Dwellings on land adjacent to London Road, Nantwich, which had been deferred at the previous meeting to enable officers to provide further information.

The section106 agreement referred to three affordable units which were subject to a shared ownership lease, whereby the occupier acquired a percentage interest in the unit and a rent was payable to the Housing Association on the remainder of the unit. Occupiers of the affordable units in question had the right to acquire a greater interest in the unit by paying a percentage of the open market value of the property, but they were not permitted to staircase beyond acquiring a 90% share of that unit.

The joint owners of 21 The Gatehouse, Hastings Road, Nantwich had submitted an application to remove the 90% restriction on staircasing with respect to that property, thus allowing for outright ownership.

RESOLVED

- (a) That the wording of the section 106 Agreement in respect of application P03/0494 be varied to allow for 100% staircasing of the property known as 21 The Gatehouse.
- (b) That Plus Dane be requested to spend any surplus funds from the sale of the property in the Borough of Cheshire East

123 SMALLWOOD STORAGE

Note: Mr S Goodwin (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding planning application 11/0627C.

At its meeting on 13 July 2011, the committee had resolved to grant delegated authority to the Head of Planning and Housing to approve outline planning permission for the demolition of the existing warehouse and erection of a residential development of 15 dwellings at Smallwood Storage, Moss End Farm, Moss End Lane, Smallwood, subject to no objection being received from the Greenspaces Officer.

The Greenspaces Officer had subsequently requested a substantial financial contribution towards off-site provision of public open space, and the developer's response was that a requirement to make such a contribution would render the scheme unviable.

RESOLVED – That the application be APPROVED subject to:

- (a) the completion of a Section 106 agreement to secure £239,400 towards affordable housing provision elsewhere in the area
- (b) the following conditions:
 - 1. Standard
 - 2. Plans
 - 3. Materials
 - 4. Landscaping
 - 5. Implementation of Landscaping
 - 6. Boundary Treatment
 - 7. Tree Protection Measures & Arboricultural Method Statement.
 - 8. Implementation of Tree Protection
 - 9. Removal of Permitted Development Rights
 - 10. Contaminated Land Condition
 - 11. Construction of Access.
 - 12. Provision of parking
 - 13. Development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
 - 14. Details of piling to be submitted
 - 15. Timing of works to avoid bird nesting season
 - 16. Provision of bat roost
 - 17. method statement covering mitigation for great crested newt as outlined in the supporting Phase 1 Habitats Survey Report
 - 18. Accommodation of the public footpath.
 - 19. Submission of scheme to limit the surface water run-off generated by the proposed development,
 - 20. .The discharge of surface water from the proposed development to mimic that which discharges from the existing site. Attenuation will be required for discharges up to the 1% annual probability event, including allowances for climate change.
 - 21. Provision of SUDS
 - 22. Submission of a scheme to manage the risk of flooding from overland flow of surface water,

23. site layout is to be designed to contain any such flooding within the site,
24. Submission of a scheme to treat and remove suspended solids from surface water run-off during construction works
25. Submission of a scheme to dispose of foul drainage
26. The existing business to relocate within the Borough of Cheshire East

124 11/3879T BOTTOM WOOD, HATHERTON, NANTWICH: APPLICATION TO FELL 12 PROTECTED TREES (COMPRISING OF SIX OAK; TWO BEECH; TWO PINE, ONE LARCH AND ONE SILVER BIRCH) AND CROWN LIFTING OF OTHER PROTECTED TREES ADJACENT TO THE HIGHWAY FOR MR PETER JACKSON, PETER JACKSON DEVELOPMENTS LTD, FIELD HOUSE, 597 ETRURIA ROAD, BASFORD, STOKE ON TRENT, STAFFS ST4 6HP

Note: Councillor D Marshall (on behalf of Hatherton & Walgherton Parish Council) and Mr T Baxter (supporter) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above application.

RESOLVED

1. That consent for the felling of Tree No.s 1089 (Pine); 1092 (Oak); 1097 (Beech) and 1116 (Silver Birch) be REFUSED.
2. That, subject to the following conditions:
 - The works hereby authorised shall be carried out at least to the standards as specified within BS3998:2010 Tree Work Recommendations.
 - The works hereby authorised shall be carried out within 2 years of the date on which the consent is granted.
 - The Local Authority shall be advised of the date of commencement of the works hereby approved.
 - (a) Consent for the felling of Tree No.s 1094 (Oak); 1100 (Oak) and 1119 (Pine) be GRANTED insofar as the works are considered in accordance with good woodland management;
 - (b) Consent for the crown lifting of Tree No.s 1086 (Oak); 1087 (Oak); 1090 (Oak); 1093 (Oak); 1096 (Beech); 1098 (Beech); 1122 (Oak); 1123 (Oak); 1125 (Oak); 1128 (Oak); 1130 (Oak) to a height no greater than 5.2 metres and no further back than the edge of the carriageway be GRANTED.
 - (c) Consent for the crown lifting of Tree No.s 1089 (Pine); 1092 (Oak); 1097 (Beech); 1103 (Oak); 1104 (Oak) (which are refused consent for felling or withdrawn for the purposes of

felling by the Applicant) to a height no greater than 5.2 metres and no further back than the edge of the carriageway be GRANTED.

- (d) Consent for the crown lifting of 1118 (Oak) to a height of 3 metres be GRANTED, to allow suitable clearance for pedestrians.
3. That a replanting direction be issued to secure the following:
- (a) 30 Oak and Beech (600-900mm in height) to be planted within the woodland known as Bottom Wood, Hatherton adjacent to Park Lane (positions to be agreed with the Local Planning Authority).
 - (b) Trees shall be suitably protected with guards to prevent damage from rabbits.
 - (c) The works shall be carried out within the first planting season following the removal of the trees specified.
4. That it be acknowledged that the felling of Tree No.s 1095 (Oak); 1101 (Beech) and 1121 (Larch) and the removal of deadwood from other trees are exempt from any requirement to obtain consent from the Council, by virtue of Section 198(6)(a) of the Town and Country Planning Act 1990.

The meeting commenced at 1.00 pm and concluded at 5.12 pm

Councillor G Merry (Chairman)